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(Rev. 8/97)

AFFIDAVIT FOR SEARCH WARRANT

United States District Court	DISTRICT Southern District of New York	
UNITED STATES OF AMERICA v. PREMISES KNOWN AND DESCRIBED AS (1) THE PREMISES KNOWN AS APARTMENT 2, 1903 MAYFLOWER AVENUE, BRONX, NEW YORK AS WELL AS ANY LOCKED CONTAINERS AND ITEMS THEREIN; AND (2) A BLUE MEAD SPIRAL NOTEBOOK, A RED AND BLACK MEAD NOTEPAD, AND A SILVER AND WHITE T- MOBILE SAMSUNG CELLPHONE, LOCATED AT 26 FEDERAL PLAZA, NEW YORK, NEW YORK	DOCKET NO. 07 MAG	MAGISTRATE'S CASE NO. 1560
To: Honorable Theodore H. Katz United States Magistrate Judge		
The undersigned being duly sworn deposes and says: That he/she has reason to believe that		
<input type="checkbox"/> on the person of	<input type="checkbox"/> on the premises known as	DISTRICT Southern District of New York
PREMISES KNOWN AND DESCRIBED AS (1) THE PREMISES KNOWN AS APARTMENT 2, 1903 MAYFLOWER AVENUE, BRONX, NEW YORK AS WELL AS ANY LOCKED CONTAINERS AND ITEMS THEREIN; AND (2) A BLUE MEAD SPIRAL NOTEBOOK, A RED AND BLACK MEAD NOTEPAD, AND A SILVER AND WHITE T-MOBILE SAMSUNG CELLPHONE, LOCATED AT 26 FEDERAL PLAZA, NEW YORK, NEW YORK		
The following property is concealed:		
SEE ATTACHED AFFIDAVIT		
Affiant alleges the following grounds for search and seizure ²		
SEE ATTACHED AFFIDAVIT		
<u>See</u> attached affidavit which is incorporated as part of this affidavit for search warrant		
Affiant states the following facts establishing the foregoing grounds for issuance of a Search Warrant		
SEE ATTACHED AFFIDAVIT		
SIGNATURE OF AFFIANT 	OFFICIAL TITLE, IF ANY Michael Gaeta Special Agent	
Sworn to before me, and subscribed in my presence:		
DATE September 20, 2007	JUDGE ¹ OR FEDERAL MAGISTRATE Hon. Theodore H. Katz  THEODORE H. KATZ MAGISTRATE JUDGE	

¹ United States Judge or Judge of a State Court of Record.² If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure 41(d), show reason why.
 UNITED STATES
 SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF THE
UNITED STATES OF AMERICA FOR A SEARCH
WARRANT FOR (1) THE PREMISES KNOWN AS
APARTMENT 2, 1903 MAYFLOWER AVENUE,
BRONX, NEW YORK AS WELL AS ANY LOCKED
CONTAINERS AND ITEMS THEREIN; AND (2) A
BLUE MEAD SPIRAL NOTEBOOK, A RED AND
BLACK MEAD NOTEPAD, AND A SILVER AND
WHITE T-MOBILE SAMSUNG CELLPHONE,
LOCATED AT 26 FEDERAL PLAZA, NEW YORK,
NEW YORK

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

MICHAEL GAETA, being duly sworn, deposes and says that:

1. I am a Special Agent of the Federal Bureau of
Investigation ("FBI").

2. I am a Special Agent with the FBI. I submit this
affidavit, pursuant to Rule 41 of the Federal Rules of Criminal
Procedure and Title 18, United States Code, Section 2703, in
support of an application for a search warrant for (1) premises
known and described as: Apartment 2, 1903 Mayflower Avenue,
Bronx, New York (the "Apartment"), and any items and locked
containers therein; and (2) a blue Mead spiral notebook (the
"Notebook"), a red and black Mead notepad (the "Notepad"), a
silver and white T-Mobile Samsung cellphone (the "Cellphone")
located at 26 Federal Plaza, New York, New York. The Apartment
is the only apartment located on the second floor of a three-
story row house at 1903 Mayflower Avenue in the Bronx.

3. I am familiar with the facts and circumstances set forth below, from my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. This affidavit is based upon my personal participation in the investigation and my conversations with other law-enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. I am one of the FBI Special Agents involved in the investigation of ALLAN HANDLER and others for conducting an illegal gambling business, in violation of Title 18, United States Code, Section 1955. On September 19, 2007, HANDLER was charged in an indictment (07 Cr. 889), with conspiracy to conduct an illegal gambling business, and conducting an illegal gambling business, in violation of Title 18, United States Code, Sections 371 and 1955. Specifically, the investigation revealed that HANDLER participated in conducting a large-scale illegal lottery scheme, commonly known as "policy," in conjunction with members and associates of the Genovese Organized Crime Family.

5. On September 20, 2007, I was involved in the arrest of ALLAN HANDLER, the defendant, at the Apartment. During the arrest of HANDLER, I observed on a desk in the apartment, in plain view, the Notebook, the first page of which was partially visible. On that page, I observed marking consistent with handwritten gambling spreadsheets, of the type of that I have seen in the past during gambling investigations. Specifically, I observed columns on the sheet with days of the week on top, and figure further down on the page. During the arrest, I seized the Notebook as well as the Notepad, which was immediately below it. In addition, I seized several small pieces of paper that were nearby on the desk that had dates and amounts, which also, based on my training and experience, appear consistent with gambling records. Finally, I seized a cellphone from the kitchen of the Apartment, which was also in plain view.

6. Based on my training and experience, and the information that I partially observed on the first page of the notebook (which was onobscured), I believe that the Notebook is a gambling ledger containing records related to HANDLER's involvement in an illegal gambling business. Furthermore, based on my training and experience, and the presence of other gambling receipts on the desk, I believe that there are likely additional gambling records, including ledgers, phone lists, and contact information, in the Apartment, including within the Notepad,

which is immediately below the Notebook on the desk. In addition, based on my knowledge of the investigation, in which we intercepted phone conversations between HANDLER using his cellphone and another participant in the gambling business related to illegal gambling, I believe that the Cellphone (and possibly other cellphones in the Apartment) will likely have evidence of gambling activities, including contact lists of other participants in the illegal gambling activities and voicemails and/or text messages from such individuals.

7. In addition, based on my training and experience, I know that individuals involved in illegal gambling businesses, in addition to maintaining handwritten records in their place of business, often use computers in furtherance of their gambling activities for, among other reasons, to create spreadsheets of their customers' wins and losses. Such records are often kept both on the computer in electronic form, as well as in hard copies in the bookmaker's place of residence. Accordingly, there is probable cause to believe that any computer within the Apartment is likely to contain evidence of illegal gambling activities. Finally, based on my training and experience with gambling investigations in which individuals involved in illegal gambling often keep large amounts of cash in their residence, and at the same location as their records, there is probable cause to believe that there is cash inside the Apartment, representing

proceeds from illegal gambling and/or money that needs to be paid to customers of the illegal gambling business.

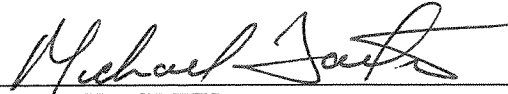
CONCLUSION

8. Based upon the foregoing and on my training and experience, I submit that there is probable cause to believe that there will be found in the Apartment, as well as the Notebook, the Notepad, and the items set forth in Attachment A to the accompanying Search Warrant, which items are evidence of, and constitute instrumentalities used in committing, violations by ALLAN HANDLER and others known and unknown, of Title 18, United States Code, Section 1955.

9. I also request authorization to search the Cellphone for items described in Attachment A. Such items include voice-mail or text messages, stored by the electronic service provider on the account of the SUBJECT CELLPHONE. Pursuant to Title 18, United States Code, Section 2703(a-c), a search warrant issued under the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation may require a provider of electronic communication service to disclose the contents of any wire or electronic communication and any record or other information pertaining to a subscriber or customer. Accordingly, this affidavit and application for a search warrant seek authorization to permit

employees of the electronic service provider to assist law enforcement agents in the execution of this warrant.

10. Accordingly, I respectfully request that the search warrant specified above be issued.



MICHAEL GAETA
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me this
20th day of September 2007



HON. THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
SOUTHER DISTRICT OF NEW YORK

Attachment A

1. Documents (including documents, records, and materials created, modified or stored on a computer in electronic or magnetic form and any data, image or information that is capable of being read or interpreted by a computer) relating to gambling activities, including customer lists, ledgers, pay-owe sheets, lists of bets, emails, gambling-related internet websites, history of gambling-related visited websites, personal telephone/address books and/or Rolodexes containing the names and addresses and telephone numbers of persons who are customers and/or gambling contacts of ALLAN HANDLER and others, telephone answering pads, bank and financial records, mail envelopes and receipts, credit card receipts.

2. Cellphones (including the silver and white Samsung T-Mobile phone), including on the cellphones:


- a. Any caller identification information.
- b. Any call history information, including incoming and outgoing call histories.
- c. Any telephone numbers, contacts, address information, or other identification information.
- d. Any voice mails or text messages stored on the cellphones.
- e. Any information, including voice-mail or text messages, stored by the electronic service provider on the account associated with the cellphones.¹

¹To the extent that any service provider requires further identifying information of these cellphones, which is generally contained on the SIM card inside the phones, the FBI will provide

3. Cash.

that information after authorization to search the phones has been granted. The telecommunications provider should provide all requested information upon receipt of this identifying information from the FBI.

SEARCH WARRANT ON WRITTEN AFFIDAVIT

United States District Court		DISTRICT Southern District of New York	
UNITED STATES OF AMERICA v.		DOCKET NO. 07 MAG	MAGISTRATE'S CASE NO. 1560
(1) THE PREMISES KNOWN AS APARTMENT 2, 1903 MAYFLOWER AVENUE, BRONX, NEW YORK AS WELL AS ANY LOCKED CONTAINERS AND ITEMS THEREIN; AND (2) A BLUE MEAD SPIRAL NOTEBOOK, A RED AND BLACK MEAD NOTEPAD, AND A SILVER AND WHITE T-MOBILE SAMSUNG CELLPHONE, LOCATED AT 26 FEDERAL PLAZA, NEW YORK, NEW YORK		To: ANY AUTHORIZED FEDERAL AGENT	
<p>Affidavit having been made before me by the below-named affiant that he has reason to believe that on the premises known as</p> <p>(1) THE PREMISES KNOWN AS APARTMENT 2, 1903 MAYFLOWER AVENUE, BRONX, NEW YORK AS WELL AS ANY LOCKED CONTAINERS AND ITEMS THEREIN; AND (2) A BLUE MEAD SPIRAL NOTEBOOK, A RED AND BLACK MEAD NOTEPAD, AND A SILVER AND WHITE T-MOBILE SAMSUNG CELLPHONE, LOCATED AT 26 FEDERAL PLAZA, NEW YORK, NEW YORK</p> <p>in the Southern District of New York there is now being concealed property, namely</p> <p>See attached rider</p> <p>and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and that the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit,</p> <p>YOU ARE HEREBY COMMANDED to search on or before of September 27, 2007 the person or place named above for the property specified, serving this warrant and making the search in the daytime — 6:00 A.M. to 10:00 P.M. — and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to <u>Any U.S. Magistrate Judge</u> as required by law.</p>			
NAME OF AFFIANT Special Agent Michael Gaeta	SIGNATURE OF JUDGE OR U.S. MAGISTRATE 		DATE/TIME ISSUED SEP 20 2007 10:30 PM

* If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

Attachment A

1. Documents (including documents, records, and materials created, modified or stored on a computer in electronic or magnetic form and any data, image or information that is capable of being read or interpreted by a computer) relating to gambling activities, including customer lists, ledgers, pay-owe sheets, lists of bets, emails, gambling-related internet websites, history of gambling-related visited websites, personal telephone/address books and/or Rolodexes containing the names and addresses and telephone numbers of persons who are customers and/or gambling contacts of ALLAN HANDLER and others, telephone answering pads, bank and financial records, mail envelopes and receipts, credit card receipts.

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